



February 19, 2003

HOUSE BILL No. 1684

DIGEST OF HB 1684 (Updated February 18, 2003 4:20 PM - DI 96)

Citations Affected: IC 16-41; IC 22-5; IC 22-9.

Synopsis: Employee protections. Requires an employer that provides an enclosed employee lounge or break room: (1) to designate and post it as a nonsmoking area; and (2) to provide at least the same number of enclosed nonsmoking employee lounges or break rooms as those in which smoking is permitted. Provides for civil penalties for: (1) a person who smokes in an enclosed employee lounge or break room that is posted and designated as a nonsmoking area; or (2) an employer who fails to furnish nonsmoking areas in the manner prescribed. Permits an employee to bring a civil action against a private employer that disciplines or terminates the employee for reporting violations of federal, state, or local laws. Makes it unlawful to discriminate based on marital status or sexual preference. Redefines "employer" for discrimination claims to include a person employing at least one person in Indiana.

Effective: July 1, 2003.

Liggett, Mahern, Torr

January 21, 2003, read first time and referred to Committee on Labor and Employment.
February 18, 2003, amended, reported — Do Pass.

C
o
p
y

HB 1684—LS 7657/DI 102+



February 19, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1684

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-41-37-1.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. As used in this chapter,**
4 **"employer" means any individual or type of organization,**
5 **including the state and its political subdivisions (as defined in**
6 **IC 36-1-2-13), that has in its employ at least one (1) individual.**
7 SECTION 2. IC 16-41-37-3.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2003]: **Sec. 3.5 (a) An employer is not**
10 **required to provide or make available an enclosed employee lounge**
11 **or break room to employees. However, if an enclosed employee**
12 **lounge or break room is provided or made available, it must be**
13 **designated and posted as a nonsmoking area in the manner**
14 **provided for by section 6(c) of this chapter.**
15 **(b) If more than one (1) enclosed employee lounge or break**
16 **room is provided for employees by an employer, there must be at**
17 **least the same number of enclosed nonsmoking employee lounges**

HB 1684—LS 7657/DI 102+



C
o
p
y

1 **or break rooms as those in which smoking is permitted.**

2 SECTION 3. IC 16-41-37-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a)** A person who
4 smokes:

5 (1) in a public building, except in an area designated as a smoking
6 area under section 5 of this chapter;

7 (2) in the retail area of a grocery store or drug store that is
8 designated as a nonsmoking area by the store's proprietor; ~~or~~

9 (3) in the dining area of a restaurant that is designated and posted
10 as the restaurant's nonsmoking area by the restaurant's proprietor;

11 **or**

12 **(4) in an enclosed employee lounge or break room that is**
13 **posted and designated as a nonsmoking area as set forth in**
14 **section 6(c) of this chapter;**

15 commits a Class B infraction. However, the violation is a Class A
16 infraction if the person has at least three (3) previous unrelated
17 judgments for violating this section that are accrued within the twelve
18 (12) months immediately preceding the violation.

19 **(b) An employer who violates section 3.5 of this chapter commits**
20 **a Class A infraction.**

21 SECTION 4. IC 16-41-37-6 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The official in
23 charge of a public building shall do the following:

24 (1) Post conspicuous signs that read "Smoking Is Prohibited By
25 State Law Except In Designated Smoking Areas" or other similar
26 language.

27 (2) Request persons who are smoking in violation of section 4 of
28 this chapter to refrain from smoking.

29 (3) Remove a person who is smoking in violation of section 4 of
30 this chapter and fails to refrain from smoking after being
31 requested to do so.

32 (b) The proprietor of a restaurant shall, under sections 4 and 5 of
33 this chapter, post conspicuous signs at each entrance to the restaurant,
34 informing the public of the establishment's smoking policy.

35 **(c) An employer shall, under sections 3.5 and 4(a)(4) of this**
36 **chapter, designate and post as a nonsmoking area an enclosed**
37 **employee lounge or break room if such is provided as set forth in**
38 **section 3.5 of this chapter. If more than one (1) enclosed employee**
39 **lounge or break room is provided for employees by an employer,**
40 **each area that is provided as a nonsmoking area as set forth in**
41 **section 3.5 of this chapter must be designated and posted as a**
42 **nonsmoking area.**

C
o
p
y



SECTION 5. IC 16-41-37-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. The state department may waive the requirements of section 5(b), 5(c), ~~or 6(a), or 6(b)~~ of this chapter if the state department determines that:

- (1) there are compelling reasons to do so; and
- (2) the waiver will not significantly affect the health and comfort of nonsmokers.

SECTION 6. IC 22-5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **This section does not apply to an employee governed by section 4 of this chapter.**

(b) An employee of a private employer that is under public contract may report in writing the existence of:

- (1) a violation of a federal law or regulation;
- (2) a violation of a state law or rule;
- (3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or
- (4) the misuse of public resources;

concerning the execution of public contract first to the private employer, unless the private employer is the person whom the employee believes is committing the violation or misuse of public resources. In that case, the employee may report the violation or misuse of public resources in writing to either the private employer or to any official or agency entitled to receive a report from the state ethics commission under IC 4-2-6-4(b)(2)(G) or IC 4-2-6-4(b)(2)(H). If a good faith effort is not made to correct the problem within a reasonable time, the employee may submit a written report of the incident to any person, agency, or organization.

~~(b)~~ (c) For having made a report under subsection (a), an employee may not:

- (1) be dismissed from employment;
- (2) have salary increases or employment related benefits withheld;
- (3) be transferred or reassigned;
- (4) be denied a promotion that the employee otherwise would have received; or
- (5) be demoted.

~~(c)~~ (d) Notwithstanding subsections ~~(a)~~ (b) through ~~(b)~~, (c), an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employer. However, any employee disciplined under this subsection is entitled to process an



C
o
p
y

1 appeal of the disciplinary action as a civil action in a court of general
2 jurisdiction.

3 ~~(d)~~ (e) An employer who violates this section commits a Class A
4 infraction.

5 SECTION 7. IC 22-5-3-4 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2003]: Sec. 4. (a) An employee of a private employer may report
8 the existence of:

- 9 (1) a violation of a federal law or regulation;
10 (2) a violation of a state law or rule; or
11 (3) a violation of an ordinance of a political subdivision (as
12 defined in IC 36-1-2-13);

13 concerning health or safety to the employer, to any official or
14 agency whom the employee in good faith believes has jurisdiction
15 to act concerning the violation, including the commissioner of labor
16 or an authorized representative of employees, or in any other
17 manner protected by the National Labor Relations Act. If a good
18 faith effort is not made to correct the problem within a reasonable
19 time, the employee may submit a written report of the violation to
20 any person, agency, or organization.

21 (b) For having made a report under subsection (a), an employee
22 may not be adversely affected, including the following actions:

- 23 (1) Dismissal from employment.
24 (2) The withholding of salary increases or employment related
25 benefits.
26 (3) Transfer or reassignment.
27 (4) The denial of a promotion that the employee otherwise
28 would have received.
29 (5) Demotion.

30 (c) Notwithstanding subsections (a) and (b), an employee shall
31 make a reasonable attempt to ascertain the accuracy of any
32 information to be furnished and may be subject to disciplinary
33 action for knowingly furnishing false information, including
34 suspension or dismissal, as determined by the employer.

35 (d) This section does not relieve an employer of its duty to not:

- 36 (1) discharge an employee; or
37 (2) in any way discriminate against an employee;
38 for the employee's actions permitted under IC 22-8-1.1-38.1.

39 (e) An employee has a private right of civil action for a violation
40 of:

- 41 (1) this section; or
42 (2) IC 22-8-1.1-38.1;



C
o
p
y

1 **if the attorney general's office, on behalf of the commissioner of**
 2 **labor, does not file a suit against the employer for the same conduct**
 3 **or incident under IC 22-8-1.1-38.1.**

4 SECTION 8. IC 22-9-1-2 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) It is the public policy of the
 6 state to provide all of its citizens equal opportunity for education,
 7 employment, access to public conveniences and accommodations, and
 8 acquisition through purchase or rental of real property, including but
 9 not limited to housing, and to eliminate segregation or separation based
 10 solely on race, religion, color, sex, disability, national origin, **marital**
 11 **status, sexual preference**, or ancestry, since such segregation is an
 12 impediment to equal opportunity. Equal education and employment
 13 opportunities and equal access to and use of public accommodations
 14 and equal opportunity for acquisition of real property are hereby
 15 declared to be civil rights.

16 (b) The practice of denying these rights to properly qualified
 17 persons by reason of the race, religion, color, sex, disability, national
 18 origin, **marital status, sexual preference**, or ancestry of such person
 19 is contrary to the principles of freedom and equality of opportunity and
 20 is a burden to the objectives of the public policy of this state and shall
 21 be considered as discriminatory practices. The promotion of equal
 22 opportunity without regard to race, religion, color, sex, disability,
 23 national origin, **marital status, sexual preference**, or ancestry through
 24 reasonable methods is the purpose of this chapter.

25 (c) It is also the public policy of this state to protect employers,
 26 labor organizations, employment agencies, property owners, real estate
 27 brokers, builders, and lending institutions from unfounded charges of
 28 discrimination.

29 (d) It is hereby declared to be contrary to the public policy of the
 30 state and an unlawful practice for any person, for profit, to induce or
 31 attempt to induce any person to sell or rent any dwelling by
 32 representations regarding the entry or prospective entry into the
 33 neighborhood of a person or persons of a particular race, religion,
 34 color, sex, disability, national origin, or ancestry.

35 (e) The general assembly recognizes that on February 16, 1972,
 36 there are institutions of learning in Indiana presently and traditionally
 37 following the practice of limiting admission of students to males or to
 38 females. It is further recognized that it would be unreasonable to
 39 impose upon these institutions the expense of remodeling facilities to
 40 accommodate students of both sexes, and that educational facilities of
 41 similar quality and type are available in coeducational institutions for
 42 those students desiring such facilities. It is further recognized that this



C
O
P
Y

chapter is susceptible of interpretation to prevent these institutions from continuing their traditional policies, a result not intended by the general assembly. Therefore, the amendment effected by Acts 1972, P.L.176, is desirable to permit the continuation of the policies described.

(f) This chapter shall be construed broadly to effectuate its purpose.

SECTION 9. IC 22-9-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As used in this chapter:

(a) "Person" means one (1) or more individuals, partnerships, associations, organizations, limited liability companies, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

(b) "Commission" means the civil rights commission created under section 4 of this chapter.

(c) "Director" means the director of the civil rights commission.

(d) "Deputy director" means the deputy director of the civil rights commission.

(e) "Commission attorney" means the deputy attorney general, such assistants of the attorney general as may be assigned to the commission, or such other attorney as may be engaged by the commission.

(f) "Consent agreement" means a formal agreement entered into in lieu of adjudication.

(g) "Affirmative action" means those acts that the commission determines necessary to assure compliance with the Indiana civil rights law.

(h) "Employer" means the state or any political or civil subdivision thereof and any person employing ~~six (6) or more persons~~ **at least one (1) person** within the state, except that the term "employer" does not include:

(1) any nonprofit corporation or association organized exclusively for fraternal or religious purposes;

(2) any school, educational, or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or

(3) any exclusively social club, corporation, or association that is not organized for profit.

(i) "Employee" means any person employed by another for wages or salary. However, the term does not include any individual employed:

(1) by ~~his~~ **the individual's** parents, spouse, or child; or

(2) in the domestic service of any person.



C
O
P
Y

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

(1) the exclusion of a person from equal opportunities because of race, religion, color, sex, disability, national origin, **marital status, sexual preference**, or ancestry;

(2) a system that excludes persons from equal opportunities because of race, religion, color, sex, disability, national origin, **marital status, sexual preference**, or ancestry;

(3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, **marital status, sexual preference**, or ancestry; or

(4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is committed by a covered entity (as defined in IC 22-9-5-4).

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

(1) any individual charging on ~~his~~ **the individual's** own behalf to have been personally aggrieved by a discriminatory practice; or

(2) the director or deputy director of the commission charging that a discriminatory practice was committed against a person other than ~~himself~~ **the director, the deputy director**, or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

(o) "Complaint" means any written grievance that is:

(1) sufficiently complete and filed by a complainant with the commission; or

(2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory practice occurred.

C
o
p
y



The original of any complaint filed under subdivision (1) shall be signed and verified by the complainant.

(p) "Sufficiently complete" refers to a complaint that includes:

- (1) the full name and address of the complainant;
- (2) the name and address of the respondent against whom the complaint is made;
- (3) the alleged discriminatory practice and a statement of particulars thereof;
- (4) the date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and
- (5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory practice.

(q) "Sex" as it applies to segregation or separation in this chapter applies to all types of employment, education, public accommodations, and housing. However:

- (1) it shall not be a discriminatory practice to maintain separate rest rooms;
- (2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and
- (3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.

(r) "Disabled" or "disability" means the physical or mental condition of a person that constitutes a substantial disability. In reference to employment, under this chapter, "disabled or disability" also means the physical or mental condition of a person that constitutes a substantial

C
o
p
y



1 disability unrelated to the person's ability to engage in a particular
2 occupation.

3 SECTION 10. IC 22-9-1-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The commission
5 shall establish and maintain a permanent office in the city of
6 Indianapolis.

7 (b) The commission may appoint such attorneys and other
8 employees and agents as it considers necessary, fix their compensation
9 within the limitation provided by law, and prescribe their duties. All
10 these employees, with the exception of the executive director and
11 attorneys, shall be appointed by the commission from eligible lists to
12 be promulgated by the department of personnel as the result of a
13 competitive examination held under IC 4-15-2 and rules of the
14 department and on the basis of training, practical experience,
15 education, and character. However, special consideration and due
16 weight shall be given to the practical experience and training that a
17 person may have for the particular position involved regardless of ~~his~~
18 **the person's** academic training. Promotions, suspensions, and removal
19 of persons appointed from such lists shall be in accordance with
20 IC 4-15-2. The reasonable and necessary traveling expenses of each
21 employee of the commission while actually engaged in the performance
22 of duties in behalf of the commission shall be paid in accordance with
23 the state travel policies and procedures established by the Indiana
24 department of administration and approved by the budget agency.

25 (c) Except as it concerns judicial review, the commission may adopt
26 rules under IC 4-22-2 to implement this ~~chapter~~ **article**.

27 (d) The commission shall formulate policies to effectuate the
28 purposes of this chapter and make recommendations to agencies and
29 officers of the state or local subdivisions thereof to effectuate such
30 policies. The several departments, commissions, divisions, authorities,
31 boards, bureaus, agencies, and officers of the state or any political
32 subdivision or agency thereof shall furnish the commission, upon its
33 request, all records, papers, and information in their possession relating
34 to any matter before the commission.

35 (e) The commission shall receive and investigate complaints
36 alleging discriminatory practices. The commission shall not hold
37 hearings in the absence of a complaint. All investigations of complaints
38 shall be conducted by staff members of the civil rights commission or
39 their agents.

40 (f) The commission may create such advisory agencies and
41 conciliation councils, local or statewide, as will aid in effectuating the
42 purposes of this chapter. The commission may itself, or it may

C
o
p
y



empower these agencies and councils to:

(1) study the problems of discrimination in the areas covered by section 2 of this chapter when based on race, religion, color, sex, handicap, national origin, **marital status, sexual preference**, or ancestry; and

(2) foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

These agencies and councils may make recommendation to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for reasonable and necessary actual expenses.

(g) The commission may issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religion, color, sex, handicap, national origin, **marital status, sexual preference**, or ancestry.

(h) The commission shall prevent any person from discharging, expelling, or otherwise discriminating against any other person because ~~he~~ **the person** filed a complaint, testified in any hearing before this commission, or in any way assisted the commission in any matter under its investigation.

(i) The commission may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and require the production for examination of any books and papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena issued under this section shall constitute a contempt. All hearings shall be held within Indiana at a location determined by the commission. A citation of contempt may be issued upon application by the commission to the circuit or superior court in the county in which the hearing is held or in which the witness resides or transacts business.

(j) The commission may appoint administrative law judges other than commissioners, when an appointment is deemed necessary by a majority of the commission. The administrative law judges shall be members in good standing before the bar of Indiana and shall be appointed by the chairman of the commission. An administrative law judge appointed under this subsection shall have the same powers and duties as a commissioner sitting as an administrative law judge. However, the administrative law judge may not issue subpoenas.



C
o
p
y

(k) The commission shall state its findings of fact after a hearing and, if the commission finds a person has engaged in an unlawful discriminatory practice, shall cause to be served on this person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring the person to take further affirmative action as will effectuate the purposes of this chapter, including but not limited to the power:

~~(A)~~ (1) to restore **the** complainant's losses incurred as a result of discriminatory treatment, as the commission may deem necessary to assure justice; however, this specific provision when applied to orders pertaining to employment shall include only wages, salary, or commissions;

~~(B)~~ (2) to require the posting of notice setting forth the public policy of Indiana concerning civil rights and respondent's compliance with the policy in places of public accommodations;

~~(C)~~ (3) to require proof of compliance to be filed by **the** respondent at periodic intervals; and

~~(D)~~ (4) to require a person who has been found to be in violation of this chapter and who is licensed by a state agency authorized to grant a license to show cause to the licensing agency why **his** **the** license should not be revoked or suspended.

(l) Judicial review of a cease and desist order or other affirmative action as referred to in this chapter may be obtained under IC 22-9-8. If no proceeding to obtain judicial review is instituted within thirty (30) days from receipt of notice by a person that an order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of the order in circuit or superior court upon showing that the person is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(m) If, upon all the evidence, the commission shall find that a person has not engaged in any unlawful practice or violation of this chapter, the commission shall state its findings of facts and shall issue and cause to be served on the complainant an order dismissing the complaint as to the person.

(n) The commission may furnish technical assistance requested by persons subject to this chapter to further compliance with this chapter or with an order issued thereunder.

(o) The commission shall promote the creation of local civil rights agencies to cooperate with individuals, neighborhood associations, and



1 state, local, and other agencies, both public and private, including
2 agencies of the federal government and of other states.

3 (p) The commission may reduce the terms of conciliation agreed to
4 by the parties to writing (to be called a consent agreement) that the
5 parties and a majority of the commissioners shall sign. When signed,
6 the consent agreement shall have the same effect as a cease and desist
7 order issued under subsection (k). If the commission determines that a
8 party to the consent agreement is not complying with it, the
9 commission may obtain enforcement of the consent agreement in a
10 circuit or superior court upon showing that the party is not complying
11 with the consent agreement and the party is subject to the commission's
12 jurisdiction and resides or transacts business within the county in
13 which the petition for enforcement is brought.

14 (q) In lieu of investigating a complaint and holding a hearing under
15 this section, the commission may issue an order based on findings and
16 determinations by the federal Department of Housing and Urban
17 Development or the federal Equal Employment Opportunity
18 Commission concerning a complaint that has been filed with one (1) of
19 these federal agencies and with the commission. The commission shall
20 adopt by rule standards under which the commission may issue such an
21 order.

22 (r) Upon notice that a complaint is the subject of an action in a
23 federal court, the commission shall immediately cease investigation of
24 the complaint and may not conduct hearings or issue findings of fact or
25 orders concerning that complaint.

26 SECTION 11. IC 22-9-1-10 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. Every contract to
28 which the state or any of its political or civil subdivisions is a party,
29 including franchises granted to public utilities, shall contain a provision
30 requiring the contractor and his subcontractors not to discriminate
31 against any employee or applicant for employment to be employed in
32 the performance of such contract, with respect to his hire, tenure,
33 terms, conditions or privileges of employment or any matter directly or
34 indirectly related to employment, because of his race, religion, color,
35 sex, disability, national origin, **marital status, sexual preference,** or
36 ancestry. Breach of this covenant may be regarded as a material breach
37 of the contract.

38 SECTION 12. IC 22-9-1-11 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. In addition to its
40 power to investigate the discriminatory practices referred to in this
41 chapter, the commission may receive written complaints of violation of
42 this chapter or other discriminatory practices based upon race, religion,

C
o
p
y



1 color, sex, national origin, **marital status, sexual preference,** or
2 ancestry and to investigate such complaints as it deems meritorious, or
3 to conduct such investigation in the absence of complaints whenever
4 it deems it in the public interest. It may transmit to the general
5 assembly its recommendations for legislation designed to aid in the
6 removing of such discrimination.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1684, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Delete pages 1 through 5.
- Page 6, delete lines 1 through 15.
- Page 7, delete lines 40 through 42.
- Delete pages 8 through 18.
- Page 19, delete lines 1 through 40.
- Page 21, delete lines 37 through 42.
- Delete pages 22 through 26.
- Page 27, delete lines 1 through 27.
- Page 35, delete lines 32 through 42.
- Delete page 36.
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1684 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 11, nays 2.

copy

